

North Dakota Board of Nursing Meeting Minutes – November 20-21, 2008

Call to Order: November 20, 2008 at 8:30 a.m. – ND Board of Nursing Conference Room, 919 S 7th St, Suite 504, Bismarck, ND.

Roll Call: Nine board members present as follows:

Nelson (Buzz) Benson, RN, President	Julie Traynor, RN, Vice-President
Charlene Christianson, RN, Treasurer	Elizabeth Anderson, LPN
Roxane Case, Public Member	Melisa Frank, LPN
Daniel Rustvang, RN (absent 11:50-2:45 on 11/20)	Mary Tello-Pool, LPN (arrived at 9:30 a.m. 11/20)
JoAnn Sund, RN	

Staff Present:

Constance Kalanek, RN, Executive Director	Karla Bitz, RN, Associate Director
Patricia Hill, RN, Asst. Director for Practice & Discipline	Julie Schwan, Admin Services Coordinator
Linda Shanta, RN, Associate Director for Education	

Observers were present as indicated on the attached sign in roster.

MINUTES REFLECT ACTIVE AGENDA ITEMS THAT WERE REVIEWED AND DISCUSSED AT THE MEETING.

AGENDA ITEM	ACTION
1.1 Consent Agenda	<p><i>Discussion:</i> The board reviewed the consent agenda. Consent agenda item 8.81 will be used with a later discussion.</p> <p><i>Motion:</i> Case, seconded by Anderson to: ADOPT THE CONSENT AGENDA AS PRESENTED.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, absent; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>
1.2 Agenda	<p><i>Discussion:</i> The agenda was reviewed as distributed. The agenda will be reordered for items that require Bergeson's attendance. Agenda Items 3.4, 4.6, 6.1, 7.12 will be reordered.</p> <p><i>Motion:</i> Traynor, seconded by Sund to: APPROVE THE AGENDA AS REORDERED.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, absent; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>
1.3 Open Forum 9:00 a.m.	No one was present to address the board during open forum.
2.1 September 18, 2008 Meeting Minutes	<p><i>Discussion:</i> The minutes of the September 18, 2008 meeting were reviewed. No changes were identified.</p> <p><i>Motion:</i> Traynor, seconded by Christianson to: APPROVE THE MINUTES OF THE SEPTEMBER 18, 2008 MEETING AS DISTRIBUTED.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, absent; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>
2.2 August 22, 2008 Meeting Minutes	<p><i>Discussion:</i> The minutes of the November 4-11, 2008 electronic meeting were reviewed. No changes were identified. Board members discussed that they liked the use of the electronic meeting.</p> <p><i>Motion:</i> Traynor, seconded by Sund to: APPROVE THE MINUTES OF THE NOVEMBER 4-11, 2008 ELECTRONIC MEETING AS DISTRIBUTED.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, absent; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>
3.1 Financial Statements	Financial Statements through October 31, 2008 were reviewed. The board reviewed the comparison in actual expenditures to date from last year to this year. Actual Income is at 25% and actual expenses were at 29% of budgeted.
3.3 Approval of Revisions to Bylaws	<p><i>Discussion:</i> The Executive Committee met September 2, 2008 and reviewed a proposed change to the by-laws to require a board member on all committees, including committees at the staff level. The purpose of this change is to foster better communication and have a board member perspective on all committees.</p> <p><i>Motion from the Executive Committee:</i> RECOMMEND APPROVAL OF THE PROPOSED REVISIONS TO THE BY-LAWS ARTICLE VIII SECTION 7 THAT ALL COMMITTEES SHALL BE COMPOSED OF AT LEAST ONE BOARD MEMBER FOR FINAL ADOPTION.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, absent; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>

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3.4 Proposed Revisions to Lobbying/Conflict of Interest Policy	<p><i>Discussion:</i> The board reviewed proposed changes to the lobbying/conflict of interest policy. The policy revision clarifies that procurement or other activities that directly or indirectly affect a close relative must be reported to the board in writing.</p> <p><i>Motion:</i> Traynor, seconded by Anderson to: ADOPT THE PROPOSED REVISIONS TO THE LOBBYING/CONFLICT OF INTEREST POLICY.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, absent; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried</p>																																								
3.5 2007-2008 Annual Report NDBON	<p><i>Discussion:</i> The board reviewed the draft 2007-2008 Annual Report. Shanta indicated that the education enrollment numbers will be revised as a result of information obtained at the NEC meeting. The list of board members will be updated.</p> <p><i>Motion:</i> Case, seconded by Anderson to: APPROVE THE 2007-2008 ANNUAL REPORT WITH REVISIONS.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, absent; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried</p>																																								
3.6 2007-2008 Audit Report (1:00 p.m. 11/20)	<p><i>Discussion:</i> Nora Sperle of EideBailly was present to review the 2007-2008 Audit Report with the board. The report was reviewed in detail. There was one material weakness identified, and one significant deficiency identified. Both issues have been addressed and corrected by staff.</p> <p><i>Motion:</i> Traynor, seconded by Sund to: APPROVE THE 2007-2008 AUDIT REPORT AS PRESENTED.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, absent; Sund, yes; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried</p>																																								
4.0 PVR Case Resolution Summary	The board reviewed a Fiscal Year Comparison PVR (Potential Violation Report) Case Resolution Summary. The number of PVRs continues to increase each year. The total days from receipt to resolution has decreased each year. In FY 07-08, there were 121 RN/LPN PVRs received and 50 UAP PVRs.																																								
4.0 Positive Response Resolution Summary	The board reviewed a Fiscal Year Comparison for the Positive Response Resolution Summary. The number of positive responses decreased for RN/LPN but increased for the UAP since last fiscal year.																																								
4.1 Administrative Settlements – Practice	<p><i>Discussion:</i> Seven individuals have signed and submitted an administrative settlement for practice without a license/registration since the last meeting. Each was reviewed and considered by the Board.</p> <p><i>Motion:</i> ACCEPT THE ADMINISTRATIVE SETTLEMENTS FOR PRACTICE WITHOUT A LICENSE/REGISTRATION FOR THE FOLLOWING INDIVIDUALS:</p> <table><thead><tr><th>NAME</th><th>LIC/REG #</th><th>CITY, STATE</th><th>SANCTION</th><th>PENALTY FEE</th></tr></thead><tbody><tr><td>Anderson, Ebony S</td><td>91879UAP</td><td>Fargo, ND</td><td>Reprimand</td><td>\$100</td></tr><tr><td>Economon, M. Pauline</td><td>R28804</td><td>Fargo, ND</td><td>Reprimand</td><td>\$1000</td></tr><tr><td>Eslinger, Brenda</td><td>100850UAP</td><td>Elgin, ND</td><td>Reprimand</td><td>\$500</td></tr><tr><td>Green, Michael</td><td>104155UAP</td><td>Fargo, ND</td><td>Reprimand</td><td>\$200</td></tr><tr><td>Gross, Sandy M</td><td>98841UAP</td><td>Bismarck, ND</td><td>Reprimand</td><td>\$100</td></tr><tr><td>Moen, Crystal</td><td>104417UAP</td><td>Grand Forks, ND</td><td>Reprimand</td><td>\$400</td></tr><tr><td>Mullins, Edith Sue</td><td>90981UAP</td><td>Jamestown, ND</td><td>Reprimand</td><td>\$100</td></tr></tbody></table> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, absent; Sund, yes; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>	NAME	LIC/REG #	CITY, STATE	SANCTION	PENALTY FEE	Anderson, Ebony S	91879UAP	Fargo, ND	Reprimand	\$100	Economon, M. Pauline	R28804	Fargo, ND	Reprimand	\$1000	Eslinger, Brenda	100850UAP	Elgin, ND	Reprimand	\$500	Green, Michael	104155UAP	Fargo, ND	Reprimand	\$200	Gross, Sandy M	98841UAP	Bismarck, ND	Reprimand	\$100	Moen, Crystal	104417UAP	Grand Forks, ND	Reprimand	\$400	Mullins, Edith Sue	90981UAP	Jamestown, ND	Reprimand	\$100
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4.3 Voluntary Surrender	<p><i>Discussion:</i> Two individuals have signed and submitted voluntary surrenders, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Voluntary Surrenders. The board chose to vote on each Voluntary Surrender separately.</p> <p><i>Motion:</i> Tello-Pool, seconded by Sund to: APPROVE AND ACCEPT THE TERMS OF THE PROPOSED VOLUNTARY SURRENDER AS A FINAL ORDER OF THE BOARD FOR SUSAN FORESTER. LPN, JAMESTOWN, ND AND ASSESS A PENALTY FEE OF \$200.00.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, absent; Sund, yes; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p> <p><i>Discussion:</i> The board reviewed documentation submitted with Carol Arntz, LPN, voluntary surrender related to the effects of chemotherapy on cognitive abilities. Sund and Frank recused.</p> <p><i>Motion:</i> Tello-Pool, seconded by Case to: APPROVE AND ACCEPT THE TERMS OF THE PROPOSED VOLUNTARY SURRENDER AS A FINAL ORDER OF THE BOARD FOR CAROL ARNTZ, LPN, FARGO, ND.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, recuse; Rustvang, absent; Sund, recuse; Tello-Pool, yes; Traynor, yes; 6 yes, 0 no, 2 recuse, 1 absent. Motion carried.</p>																																								

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AGENDA ITEM	ACTION
4.41 Stipulation for Settlement – Jacqueline Binstock, R28568	<p><i>Discussion:</i> A Stipulation for Settlement was received from Jacqueline Binstock, RN, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (3)(6) and NDAC 54-02-07-01.1 (7)(8)(9).</p> <p><i>Motion:</i> Tello-Pool, seconded by Traynor to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR JACQUELINE BINSTOCK, RN, EFFECTIVE OCTOBER 2, 2008 AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ SUSPEND THE LICENSE FOR ONE YEAR; ◆ ASSESS A \$800.00 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, absent; Sund, yes; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>
4.42 Stipulation for Settlement – David Trudeau, Medication Assistant Applicant	<p><i>Discussion:</i> A Stipulation for Settlement was received from David Trudeau, Medication Assistant applicant, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (4).</p> <p><i>Motion:</i> Sund, seconded by Traynor to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR DAVID TRUDEAU, MEDICATION ASSISTANT APPLICANT, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ISSUE A REPRIMAND; ◆ ASSESS A \$100.00 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, absent; Sund, yes; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>
4.43 Stipulation for Settlement – Amy Simpson, L6159	<p><i>Discussion:</i> A Stipulation for Settlement was received from Amy Simpson, LPN, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (3) and NDAC 54-02-07-01.1(5)(6).</p> <p><i>Motion:</i> Tello-Pool, seconded by Case to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR AMY SIMPSON, LPN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ISSUE A REPRIMAND; ◆ ASSESS A \$600.00 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, absent; Sund, yes; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>
4.44 Stipulation for Settlement – JoAnn Jorgenson, R20028 (APRN)	<p><i>Discussion:</i> A Stipulation for Settlement was received from JoAnn Jorgenson, RN, APRN, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (3)(5) and NDAC 54-02-07-01.1(5)(6)(7).</p> <p><i>Motion:</i> Sund, seconded by Traynor to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR JOANN JORGENSEN, RN, APRN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ISSUE A REPRIMAND; ◆ ASSESS A \$600.00 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, absent; Sund, yes; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>
4.45 Stipulation for Settlement – Shannon Beaton, UAP Applicant	<p><i>Discussion:</i> A Stipulation for Settlement was received from Shannon Beaton, UAP Applicant, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (4). It was noted that the stipulation for settlement included a statement from Ms. Beaton that she had overlooked the question and the charges had been dismissed.</p> <p><i>Motion:</i> Case, seconded by Anderson to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR SHANNON BEATON, UAP APPLICANT, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ISSUE A REPRIMAND; ◆ ASSESS A \$100.00 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, absent; Sund, yes; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>

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AGENDA ITEM	ACTION
4.46 Stipulation for Settlement – Jan Arens, L4296	<p><i>Discussion:</i> A Stipulation for Settlement was received from Jan Arens, LPN, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (3)(5) and NDAC 54-02-07-01.1(5)(8).</p> <p><i>Motion:</i> Traynor, seconded by Sund to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR JAN ARENS, LPN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ISSUE A REPRIMAND; ◆ ASSESS A \$800.00 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, absent; Sund, yes; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>
4.47 Stipulation for Settlement – Kasar Maii, L10585	<p><i>Discussion:</i> A Stipulation for Settlement was received from Kasar Maii, LPN, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (3)(5) and NDAC 54-02-07-01.1(5)(6)(8).</p> <p><i>Motion:</i> Traynor, seconded by Christianson to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR KASAR MAII, LPN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ISSUE A REPRIMAND; ◆ ASSESS A \$600.00 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, absent; Sund, yes; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>
4.48 Stipulation for Settlement – Angelica Alcoser, NLC TX License	<p><i>Discussion:</i> A Stipulation for Settlement was received from Angelica Alcoser, RN, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (3)(5) and NDAC 54-02-07-01.1(5)(6)(8).</p> <p><i>Motion:</i> Tello-Pool, seconded by Case to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR ANGELICA ALCOSER, RN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ISSUE A REPRIMAND; ◆ ASSESS A \$800.00 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, absent; Sund, yes; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>
4.49 Stipulation for Settlement – Krystyna Krupa, R31820	<p><i>Discussion:</i> A Stipulation for Settlement was received from Krystyna Krupa, RN, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (3)(5)(6) and NDAC 54-02-07-01.1(5)(8)(9).</p> <p><i>Motion:</i> Traynor, seconded by Sund to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR KRYSTYNA KRUPA, RN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ISSUE A REPRIMAND; ◆ ASSESS A \$1200.00 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, absent; Sund, yes; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>
4.50 Stipulation for Settlement – Charles Graham, LPN Applicant (11/21/2008)	<p><i>Discussion:</i> A Stipulation for Settlement was received from Charles Graham, LPN applicant, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (4).</p> <p><i>Motion:</i> Traynor, seconded by Sund to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR CHARLES GRAHAM, LPN APPLICANT, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ISSUE A REPRIMAND; ◆ ASSESS A \$500.00 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>
4.61 Hearing – Deborah Hebron, L11510 (11/20/08 9:15 a.m.)	<p><i>Discussion:</i> Brian Bergeson was present for this agenda item. A hearing for Deborah Hebron was held September 22, 2008 in Bismarck. Ms. Hebron was not present at the hearing or represented by counsel. She submitted a letter on her behalf for the board's review. Bergeson indicated that the board needed to decide if they wished to review the letter, as it was not submitted prior to the hearing. The board agreed to review the letter from Ms. Hebron. The Board reviewed and discussed the ALJ's Recommended Findings of Fact, Conclusions of Law, and Order dated September 25, 2008 for Deborah Hebron, LPN, for violation of NDCC 43-12.1-14 (3)(5) and NDAC 54-02-07-01.1 (5)(6)(7). The exhibits introduced at the hearing were reviewed and discussed.</p>

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AGENDA ITEM	ACTION
4.61 Hearing – Deborah Hebron, L11510 (11/20/08 9:15 a.m.) (continued)	<p><i>Motion:</i> Sund, seconded by Anderson to: ACCEPT THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER IN THE CASE OF DEBORAH HEBRON, L11510 AND DIRECT THE PRESIDENT TO SIGN THE ALJ ORDER TO:</p> <ul style="list-style-type: none"> • SUSPEND THE LICENSE FOR TWO YEARS; • ASSESS A \$1600 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND • OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>
4.91 Other – Patricia Longie	<p><i>Discussion:</i> Patricia Longie submitted an application for Initial Medication Assistant with a positive response to the criminal history question. She began a deferred sentence for two years on March 8, 2008.</p> <p><i>Motion:</i> Sund, seconded by Case to: DENY THE INITIAL MEDICATION ASSISTANT APPLICATION FOR PATRICIA LONGIE BASED ON NDCC 43-12.1-14 (1).</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, recuse; Rustvang, absent; Sund, yes; Tello-Pool, yes; Traynor, yes; 7 yes, 0 no, 1 recuse, 1 absent. Motion carried.</p>
4.92 Other – Pretty Deer Old Rock	<p><i>Discussion:</i> Pretty Deer Old Rock submitted a NNAAP application with a positive response to the criminal history question. She is currently on supervised probation. Parole and Probation has filed to revoke her probation for violations.</p> <p><i>Motion:</i> Traynor, seconded by Anderson to: DENY THE NNAAP APPLICATION FOR PRETTY DEER OLD ROCK BASED ON NDCC 43-12.1-14 (1).</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, absent; Sund, yes; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>
4.10 Miscellaneous Discipline Issues	<p>Bitz reported on the following individuals licensure status:</p> <ul style="list-style-type: none"> • Kristin Gertkin, R31315, Richmond, MN - Suspended for a period of two years for violating terms and conditions of WIP and board order. • Amy Momerak, R30749, Fargo, ND – Suspended for a period of three years for violating terms and condition of WIP and board order.
5.21 University of Mary request for approval of new course for FNP program (NEC)	<p><i>Discussion:</i> The University of Mary submitted notification of the addition of a new course to their graduate nursing program for the Family Nurse Practitioner. The course is called The Scholarly Project NUR 703 and will align their FNP program with other master's in nursing programs. The Nursing Education Committee reviewed the course revision.</p> <p><i>Motion from the Nursing Education Committee to:</i> RECOMMEND TO THE BOARD THAT THE UNIVERSITY OF MARY HAS SUBMITTED CURRICULAR REVISIONS THAT ARE IN FULL COMPLIANCE WITH NDAC 54-03.2-06-02 PROGRAMMATIC CHANGES.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, absent; Sund, yes; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>
5.22 Turtle Mountain Community College correspondence related to self study	<p>Turtle Mountain Community College has withdrawn their request for the self-study for accreditation for the LPN program for Fall 2008 and plans to reschedule for Spring 2009.</p>
5.23 Dakota Nursing ADN Program Course Changes (NEC)	<p><i>Discussion:</i> Julie Traynor recused herself from this agenda item. Dakota Nursing Program has submitted notification of a required new course called Role Transition for the ADN program. Traynor indicated the course will consist of an NCLEX review course and job readiness to help increase the NCLEX pass rate.</p> <p><i>Motion from the Nursing Education Committee to:</i> RECOMMEND TO THE BOARD THAT THE DAKOTA NURSING ADN PROGRAM HAS SUBMITTED CURRICULAR REVISIONS THAT ARE IN FULL COMPLIANCE WITH NDAC 54-03.2-06-02 PROGRAMMATIC CHANGES.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, absent; Sund, yes; Tello-Pool, yes; Traynor, recuse; 8 yes, 0 no, 1 recuse, 1 absent. Motion carried.</p>
5.24 Nursing Education Annual Report (NEC)	<p><i>Discussion:</i> The Nursing Education Committee reviewed the 2007-2008 Nursing Education Annual Report. Shanta reviewed the Executive Summary. It was discovered that the enrollment figures did not include five students from UND for the RN to MSN program. These will be added to the enrollment numbers for the final report.</p> <p><i>Motion for the Nursing Education Committee to:</i> RECOMMEND THAT THE BOARD APPROVE THE 2007-2008 NURSING EDUCATION ANNUAL REPORT WITH REVISIONS TO INCLUDE UND RN TO MSN STUDENT DATA AND EDITORIAL CORRECTIONS.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>

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AGENDA ITEM	ACTION
5.24 Nursing Education Annual Report (NEC) (continued)	<p><i>Discussion:</i> According to the annual report, UND did not meet the requirements of NDAC 54-03.2-04-08 Unqualified Faculty at the time of the report, but currently meets the requirements.</p> <p><i>Motion from the Nursing Education Committee to:</i> RECOMMEND THAT THE BOARD NOT ISSUE A CITATION TO UND FOR NDAC 54-03.2-04-08 UNQUALIFIED FACULTY AS THE PROGRAM IS CURRENTLY COMPLIANT.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p> <p><i>Discussion:</i> According to the annual report, Dakota Nursing Program does not meet the requirements of NDAC 54-03.2-04-08 Unqualified Faculty, but the program was cited for this issue with their site visit report in May.</p> <p><i>Motion from the Nursing Education Committee to:</i> RECOMMEND THAT THE BOARD NOT ISSUE A CITATION TO DAKOTA NURSING PROGRAM FOR NDAC 54-03.2-04-08 UNQUALIFIED FACULTY AS THE PROGRAM WAS PREVIOUSLY CITED DURING THE APPROVAL PROCESS IN MAY 2008.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, recuse; 8 yes, 0 no, 1 recuse, 0 absent. Motion carried.</p>
5.41 MSCTC RN Refresher Course submission of required revisions	Minnesota State Community and Technical College has submitted the required revisions related to the leadership content for the RN Refresher Course. Shanta indicated that the course meets the requirements and was approved at the last meeting with the request for revision of leadership content.
5.42 Ratification of Approval of workshops, etc for Contact Hours	<p><i>Discussion:</i> The board reviewed a list of courses approved by board staff for contact hours as of November 19, 2008.</p> <p><i>Motion:</i> Sund, seconded by Anderson to: RATIFY APPROVAL OF THE WORKSHOPS FOR CONTACT HOURS SUBMITTED TO THE ND BOARD OF NURSING, WHICH INCLUDES COURSES #720 THROUGH #740.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>
5.51 Nurse Faculty Intern Pilot Study	<p><i>Discussion:</i> Four applications for the Nurse Faculty Intern Pilot Study have been received since the last meeting and meet the requirements for participation.</p> <p><i>Motion:</i> Traynor, seconded by Case to: RATIFY APPROVAL OF THE FOLLOWING NURSE FACULTY INTERNS: Jennifer Wynne Lois Ustanko Anne Eliason Jayne Vetter</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>
5.52 Report of out-of-state students	There are currently 267 out of state students obtaining clinical experience in ND for Fall 2008.
5.53 NCSBN Regulatory Excellence Grant Program	<p><i>Discussion:</i> The Nurse Faculty Intern Pilot Study has entered its third academic year. The project started one year before grant funding was received. The current grant funding has ended, however in 2006 the board approved the project for four years. The NFI Research Team recommends to complete Phase I of the program and finish the remainder of the third year and the entire fourth year without additional funding. Data would not be collected from the participants in the fourth year, but the programs would not be cited for unqualified faculty.</p> <p><i>Motion:</i> Traynor, seconded by Anderson to: CONTINUE THE FOURTH YEAR OF THE NFI STUDY PER PROTOCOLS WITHOUT ADDITIONAL FUNDING.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p> <p><i>Discussion:</i> Shanta reviewed a proposal for Phase II of the Nurse Faculty Intern Pilot Study that would be an intentional faculty developmental process with a select group of fifteen Nurse Faculty Interns. Staff would apply for grant funding for Phase II of the study from NCSBN.</p> <p><i>Motion:</i> Anderson, seconded by Case to: DIRECT STAFF TO SUBMIT A GRANT PROPOSAL FOR THE NURSE FACULTY INTERN PILOT STUDY, PHASE II.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>
5.54 Nursing Education Capacity Retreat Information	The board reviewed an update from Patricia Moulton, Center for Rural Health related to the Nursing Education Capacity Retreat. The group is developing a master plan for statewide nursing education capacity and have determined several critical success factors. Five groups are currently working on the initiative and will merge the data and prepare an outline at the next meeting.

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AGENDA ITEM	ACTION
5.55 U of Delaware Research Project	<p><i>Discussion:</i> The University of Delaware is conducting a research project to study the prevalence and nature of abuse and diversion of controlled substances. ND has been participating in the project. There is a quarterly stipend for participation in the project, and staff requests the board's direction on what to do with the stipend. It is recommended that staff who complete the surveys receive the stipends.</p> <p><i>Motion:</i> Case, seconded by Rustvang to: RATIFY NDBON PARTICIPATION IN THE UNIVERSITY OF DELAWARE RESEARCH PROJECT WITH STIPEND GOING TO THE STAFF THAT PROVIDE THE DATA.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>
6.1 Investigative Plan	<p><i>Discussion:</i> The board had directed Benson and Bergeson to obtain feedback from other regulatory boards in revising the investigative plan. Bergeson indicated he has requested information from the attorney for FARB, an organization for regulatory boards, and has not received a response. He has contacted other board attorneys and found that boards do not have a mechanism in place for handling complaints against staff or board members. Bergeson indicated they have drafted a proposal that would have three board members appointed to DRP and/or a request may be made to the AG office to appoint an assistant attorney general to represent DRP for the case. Board members participating in DRP would be required to recuse themselves from any action taken on the case. Bergeson indicated the policy can be revised when or if further feedback is received.</p> <p><i>Motion:</i> Anderson, seconded by Case to: ADOPT THE REVISIONS TO THE INVESTIGATIVE PLAN TO ADDRESS POTENTIAL VIOLATION REPORTS AGAINST A CURRENT BOARD MEMBER OR CURRENT STAFF MEMBER.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, abstain; Traynor, yes; 8 yes, 0 no, 1 abstain, 0 absent. Motion carried.</p>
6.11 Dissemination and Sharing of CHRC results – Asst Atty General Presentation at 9:30 a.m.	<p><i>Discussion:</i> Mary Kay Kelsch, SAAG from the Attorney General's office gave a presentation on open records and open meetings. In ND, all records and meetings are required to be open unless otherwise provided by law. She discussed the difference between exempt records, which gives the agency discretion in releasing the information, and confidential records, which cannot be released. Open meetings, noticing meetings, and executive sessions were also discussed. The board questioned whether the results of the criminal history record check can be released to the applicant. Ms. Kelsch indicated she will check into this to see if a formal opinion is necessary. The board discussed requesting a formal opinion so there is no question as to how to proceed.</p> <p><i>Motion:</i> Sund, seconded by Case to: REQUEST A FORMAL OPINION FROM THE ND ATTORNEY GENERAL REGARDING THE ABILITY OF THE BOARD TO DISSEMINATE AND SHARE CHRC RESULTS OF THE APPLICANT FOR LICENSURE/REGISTRATION.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>
6.12 CHRC Vendor Application – Advantage Credit Bureau	<p><i>Discussion:</i> The board has received an application from Advantage Credit Bureau of Fargo, ND for approval as a vendor for CHRC. Staff checked with BCI and they indicated they have worked with this company and did not have any issues. Staff feel like the process has not been streamlined and organized, and the computer system is not yet updated to include the CHRC. It is recommended if the board approve a vendor, to do it as fingerprinting only. The board discussed waiting on adding vendors at the present time.</p> <p><i>Motion:</i> Sund, seconded by Anderson to: DELAY ACTION ON ALL APPLICATIONS FOR CHRC VENDORS UNTIL AN OFFICE PROCESS HAS BEEN FIRMLY ESTABLISHED.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>
6.13 Comments on CHRC – Report on applications and temporary permits	<p><i>Discussion:</i> There have 776 fingerprint cards sent since July 17th, with a return rate of 77%. Total number of completed results is 88% and 15% needed to be returned for completion or correction. Total number of retakes is 12%, and 4% needed SSN and Name search because fingerprints were rejected. A disparity with the 60 day temporary permit for Initial UAPs has arisen, as according to rule, an initial UAP applicant has a four month time frame to practice without being on the registry. Staff requested that initial UAP applicants be issued a 120 day temporary permit from date of hire. Those that were previously on the registry and reactivating would continue to be issued a 60 day permit. Current initial UAP applicants have been reviewed by staff and the temporary permits currently in place will be extended to 120 days where applicable.</p> <p><i>Motion:</i> Sund, seconded by Traynor to: SET THE EXPIRATION DATE FOR ALL TEMPORARY PERMITS WAITING FOR CHRC RESULTS FOR INITIAL UAPS BE INCREASED TO FOUR MONTHS OR 120 DAYS FROM DATE OF HIRE TO BE CONSISTENT WITH NDAC 54-07-02-02.1(3) UNLICENSED ASSISTIVE PERSON REGISTRY.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>
6.14 Discrepancies in reporting criminal offenses	<p><i>Discussion:</i> The regulatory question asks if one has ever been arrested, charged or convicted of a felony, followed by an explanation of what to report. Some individuals are answering "no" if the charge was dismissed, even though they have been arrested and charged but not convicted. Staff request revising the explanation statement to include "dismissal".</p> <p><i>Motion:</i> Traynor, seconded by Case to: ADOPT THE PROPOSED REVISION TO THE REGULATORY QUESTIONS #1 (NDCC 43-12.1-14 (1) ON ALL APPLICATIONS.</p>

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AGENDA ITEM	ACTION
6.14 Discrepancies in reporting criminal offenses (continued)	<i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.
6.2 Request for reconsideration – Limited License – Hersey	<p><i>Discussion:</i> Alice Hersey was issued a limited license to practice in one setting two years ago. She has now completed 400 hours of nursing practice and is requesting the limited license status be removed.</p> <p><i>Motion:</i> Case, seconded by Sund to: ACCEPT ALICE HERSEY'S REQUEST FOR FULL LICENSURE STATUS.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>
6.3 Nurse Aide Registries and CMS Regulation – CNA Unification Meeting	ND Dept of Health Department has called a meeting on behalf of the ND Long Term Care Association to discuss Unification of CNA & UAP registry. The Executive Committee will attend the meeting, along with Kalanek and Bergeson. Staff has tracked calls in the past couple of weeks for registry verification, and five calls have been received which indicates employers are using the website verification. Christianson indicated the request for a more streamlined process came from the NADONA. The meeting will be held on November 24 2008.
6.4 NCSBN NCLEX Examination Item Development Panel	<p><i>Discussion:</i> Janet Johnson, RN, has applied to serve on an NCSBN NCLEX Examination Item Development Panel.</p> <p><i>Motion:</i> Case, seconded by Sund to: RATIFY THE APPROVAL OF JANET JOHNSON, RN, TO SERVE ON THE NCSBN NCLEX EXAMINATION ITEM DEVELOPMENT PANEL.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>
6.5 NCSBN NCLEX 2009 LPN Practice Analysis Panel	<p><i>Discussion:</i> Margaret Birkholz & Jeanette Wald have applied to serve on an NCSBN NCLEX 2009 LPN Practice Analysis Panel.</p> <p><i>Motion:</i> Traynor, seconded by Rustvang: RATIFY THE APPROVAL OF MARGARET BIRKHOLZ & JEANETTE WALD TO SERVE ON THE NCSBN NCLEX 2009 LPN PRACTICE ANALYSIS PANEL.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>
6.6 Ratification Request by Christine Peterson APRN FNP	<p><i>Discussion:</i> At the last meeting, the board issued an extension to Christine Peterson, APRN, FNP to obtain verification of her renewal of certification from ANCC. She has sent the renewal information, but notification of the renewal has not yet been received from ANCC.</p> <p><i>Motion:</i> Anderson, seconded by Case to: RATIFY REQUEST BY CHRISTINE PETERSON, APRN, FNP, FOR AN ADDITIONAL 30 DAYS TO OBTAIN VERIFICATION OF RENEWAL OF CERTIFICATION FROM ANCC. (DECEMBER 22).</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>
7.11 Approval of Registration – Surgical Technician	<p><i>Discussion:</i> One application for approval of a Surgical Technician has been received without completion of a formal training program. Hill reviewed the training documents with the Board.</p> <p><i>Motion:</i> Sund, seconded by Anderson: APPROVE ZACHARY PRIDDY'S APPLICATION FOR SURGICAL TECHNICIAN.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>
7.12 Hospital EMTs Exemption from NPA	<p><i>Discussion:</i> Bergeson reviewed the communication between the Attorney General Office and board legal counsel regarding EMTs working in the Emergency Room. According to NDCC 23-27-04.4 Supervision of certified or licensed emergency medical technician hospital personnel, these emergency medical service professionals are under the supervision of the hospital's nurse executive. Meritcare has questioned this law when EMTs were asked to work in a non-emergency setting. The board discussed that when they are under the direction of the nurse they should be held accountable to the requirement of the NDCC 43-12.1 Nurse Practices Act and practice within the standards for assignment and delegation rules. The board discussed supervision by the physician and the transfer of supervision to the nurse and when that happens. Overlapping scopes were also discussed. The board questioned how facilities are handling this situation, and would like feedback from NDONE. Kalanek will query NDONE and report back at the next meeting.</p> <p><i>Motion:</i> Tello-Pool, seconded by Anderson to: DIRECT STAFF TO DIALOGUE WITH NDONE REGARDING EMT'S WORKING IN NON-EMERGENCY SETTINGS.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, absent; Sund, yes; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>

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AGENDA ITEM	ACTION												
7.31 Prescriptive Authority Applications	<p><i>Discussion:</i> Six individuals have submitted applications for prescriptive authority since the last meeting.</p> <p><i>Motion:</i> Rustvang, seconded by Sund to:</p> <p>RATIFY PRESCRIPTIVE AUTHORITY FOR THE FOLLOWING:</p> <table border="0"> <tr> <td>Mary Ann Gold, APRN, ANP</td><td>CP: Bruce Olin, MD</td></tr> <tr> <td>Mary Sprague, APRN, FNP</td><td>CP: Napoleon Aspejo, MD</td></tr> <tr> <td>Jana Zwilling, APRN, FNP</td><td>CP: Paul Fleissner, MD</td></tr> <tr> <td>Heidi Bircher, APRN, FNP</td><td>CP: Samir Turk, MD</td></tr> <tr> <td>Lisa Watkins, APRN, APNP</td><td>CP: Elsa Remer, MD</td></tr> <tr> <td>Courtney Kondos, APRN, CNS</td><td>CP: Wayne Martinsen, MD</td></tr> </table> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>	Mary Ann Gold, APRN, ANP	CP: Bruce Olin, MD	Mary Sprague, APRN, FNP	CP: Napoleon Aspejo, MD	Jana Zwilling, APRN, FNP	CP: Paul Fleissner, MD	Heidi Bircher, APRN, FNP	CP: Samir Turk, MD	Lisa Watkins, APRN, APNP	CP: Elsa Remer, MD	Courtney Kondos, APRN, CNS	CP: Wayne Martinsen, MD
Mary Ann Gold, APRN, ANP	CP: Bruce Olin, MD												
Mary Sprague, APRN, FNP	CP: Napoleon Aspejo, MD												
Jana Zwilling, APRN, FNP	CP: Paul Fleissner, MD												
Heidi Bircher, APRN, FNP	CP: Samir Turk, MD												
Lisa Watkins, APRN, APNP	CP: Elsa Remer, MD												
Courtney Kondos, APRN, CNS	CP: Wayne Martinsen, MD												
7.33 Recognition of NAPNAP Position Statement on Age Parameters	<p><i>Discussion:</i> The National Association of Pediatric Nurse Practitioners (NAPNAP) has issued a position statement on the age parameters for determining when a pediatric patient becomes an adult. The position statement defines the age parameters of pediatrics as birth to age 21, and in specific situations, individuals older than 21 years until appropriate transition to adult health care is successful.</p> <p><i>Motion:</i> Traynor, seconded by Case to:</p> <p>RECOGNIZE THE NAPNAP POSITION STATEMENT ON AGE PARAMETERS FOR PEDIATRIC NURSE PRACTITIONER PRACTICE.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>												
7.42 NLC Model Rules and Regulations	<p><i>Discussion:</i> There are currently twenty-three states participating in the Nurse Licensure Compact. The Nurse Licensure Compact Administrators have developed Model Rules and Regulations for states to follow. There is one area to revise in ND rules to comply with the model rules.</p> <p><i>Motion:</i> Anderson, seconded by Sund to:</p> <p>DIRECT STAFF TO INCLUDE THE NECESSARY REVISIONS TO NDAC CHAPTER 54-02-10 RN & LPN LICENSURE COMPACT WITH THE NEXT RULE REVISION.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>												
7.5 Administrative Rule Promulgation	<p><i>Discussion:</i> The ND Board of Medical Examiners, Board of Pharmacy, and Board of Nursing have jointly proposed amendments to administrative rules concerning prescriptions and dispensing antibiotics to certain individuals without an examination. These revisions would allow prescribing medication for partners of individuals diagnosed with some sexually transmitted diseases. The hearing was held with no opposition and the Attorney General's office has approved the rules as to their legality. The rules will take effect January 1, 2009 pending review by the Administrative Rule Committee.</p> <p><i>Motion:</i> Traynor, seconded by Anderson to:</p> <p>FINALLY ADOPT THE REVISED ADMINISTRATIVE RULES NDAC CHAPTER 54-05-03.1-10 (8) AUTHORITY TO PRESCRIBE.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>												
7.53 Communication Report with Senators and Representatives	<p>The board reviewed the list of 2009 Legislators. An e-mail related to out-of-state students from Senator Judy Lee and Kalanek's response was also reviewed. At the Nursing Education Committee, CUNEA requested that the board consider options to address the out of state student exemption and to help alleviate a shortage of clinical experience sites. CUNEA has concerns about the number of out of state students coming into the state, and the difference in the requirements of the out of state nursing education programs. CUNEA requested and the NEC recommended that the board develop a task force to study the issue. It was not clear of the intended outcome of the task force, as the change was made by legislators. It was recommended to CUNEA to contact those initially involved in creating the current requirement that exempts out of state students. CUNEA indicated that there is no intent to create barriers, but they do want the board to regulate the out of state students practicing in ND. NEC recommended the board develop a task force, but due to the short time frame, the board discussed using the ND Leadership Council rather than appointing a task force.</p> <p><i>Motion from Nursing Education Committee:</i></p> <p>RECOMMENDS THAT THE BOARD DEVELOP A TASK FORCE TO REVIEW THE CURRENT NPA EXEMPTION NDCC 43-12.1-04 (12) FOR CLINICAL EXPERIENCE FOR STUDENTS FROM PROGRAMS NOT APPROVED BY THE ND BOARD OF NURSING AND PROVIDE A RECOMMENDATION TO THE BOARD.</p> <p><i>Roll call vote:</i> Anderson, no; Benson, no; Case, no; Christianson, no; Frank, no; Rustvang, no; Sund, no; Tello-Pool, no; Traynor, no; 0 yes, 9 no, 0 absent. Motion failed.</p> <p><i>Motion:</i> Sund, seconded by Traynor to:</p> <p>DIRECT BOARD REPRESENTATIVES TO THE NURSE LEADERSHIP COUNCIL FORWARD THE TOPIC OF THE OUT OF STATE STUDENT EXEMPTION (NDCC 43-12/1-04 (12) TO THE ND NURSE LEADERSHIP COUNCIL AND REPORT BACK TO THE BOARD BY DECEMBER 3RD.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>												

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AGENDA ITEM	ACTION
7.54 RFP for Monitoring of Legislation 2009 Session	<p><i>Discussion:</i> Staff sent an RFP for Legislative Monitoring to interested firms. Only one RFP has been received from Calvin Rolfson. Mr. Rolfson was a former SAAG for the board. Board members clarified that the contract would be only for legislative monitoring and not lobbying on behalf of the board.</p> <p><i>Motion:</i> Sund, seconded by Anderson to: APPROVE CALVIN ROLFSON'S REQUEST FOR APPOINTMENT FOR NDBON LEGISLATIVE MONITORING FOR THE 2009 SESSION.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>
7.6 Website & Renewal	Kalanek reported that RN/LPN renewal cycle is in progress, and there are 3200 RNs that haven't renewed, and 1500 LPNs that haven't renewed.
7.71 Christmas Holiday Closing	Christmas falls on Thursday this year and the board office will close at noon on Christmas eve and office will also be closed on Friday December 26 th .
9.0 Prescription Drug Monitoring Program Committee	<p><i>Discussion:</i> Rustvang attended the Prescription Drug Monitoring Program Committee meeting on November 20th. He indicated that the committee reviewed the process and the effectiveness of the reporting. The committee has developed a process for identifying trends and abuse. Cheryl Rising, RN, FNP has agreed to be an alternate if Rustvang is not available.</p> <p><i>Motion:</i> Case, seconded by Rustvang to: APPROVE CHERYL RISING, RN, FNP AS AN ALTERNATE TO THE PDMP IF ACCEPTABLE TO THE PDMP COMMITTEE.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>
12.1.2 Proposed Change in meeting date – January 22-23, 2008	<p><i>Discussion:</i> Staff requested the board consider changing the January meeting dates due to a conflict with an NCSBN committee meeting. The board agreed to move the date back one week. The meeting will be held via IVN to allow schools to observe.</p> <p><i>Motion:</i> Tello-Pool, seconded by Sund to: APPROVE THE CHANGE IN MEETING DATES FROM JANUARY 15-16, 2009 TO JANUARY 22-23, 2009.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>

CONSENT AGENDA:

8.1 NCSBN
8.11 Joint Commission letter on CMS interpretation of standing orders
8.12 2009 TOEFL iBT English Panel
8.2 Office Management
8.3 Nursing Practice
8.31 Summary of practice calls
8.32 ND AHECs
8.4 Workplace Impairment Program Report
8.41 Statistics
8.42 Summary Report
8.5 Unlicensed Assistive Person/Medication Assistant
8.51 Testing Summary Report
8.52 NNAAP Testing
8.53 Unlicensed Assistive Person
8.6 Licensure
8.61 Licensed Nurse
8.62 Unlicensed Assistive Person
8.63 NCLEX-RN
8.64 NCLEX-PN
8.7 Discipline
8.71 Disciplinary Statistics/Case Activity Report
8.8 Legal Counsel
8.81 Bergeson's response to UAP Registry questions
8.9 Education
8.91 Fraudulent Program – New York

BOARD COMMITTEES:

9.0 Program Monitoring Committee	
9.1 Nursing Education Committee	November 19 @ 2:00 p.m.
9.2 Finance Committee	
9.3 Executive Committee	November 20 @ 12:00 noon

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9.4 Prescriptive Authority Committee	
9.5 Nursing Practice Committee	
9.6 ND Hospital Tele-Pharmacy Project	

UPCOMING MEETINGS & REPORT OF MEETINGS ATTENDED:

10.1 NCSBN Annual Meetings – Tello-Pool attended a Nightingala event on October 1 st in Washington DC and reported that a North Dakotan was a recipient of one of eight awards given nationally.
10.2 NCSBN Monthly Meetings by teleconference calls and onsite:
10.2-1 Policy Call – October 29
10.2-2 Education Consultant Network – Oct 8, Nov 11, Dec 11, Jan 8, Feb 10
10.2-3 Discipline Networking Call – October 14, Dec 9
10.2-4 EO Network – October 20
10.2-5 NLCA Meeting – October 14
10.2-6 Mid-Year Meeting – March 3-4, 2009
10.2-8 NCSBN Executive Officers Leadership Seminar; June 23-24, 2009
10.2-9 Annual Institute of Regulatory Excellence – January 12-14, 2009
10.2-10 IRE Committee – September 25-26, December 11-12, January 12-14, 2009
10.2-11 Board Investigator & Attorney Workshop;
10.2-12 NCLEX Invitational
10.2-13 Practice Consultant – Oct 23, Nov 11, Dec 15, Jan 15, 2009
10.2-14 Examination Committee – October 21-23
10.2-15 Regulation of Unlicensed Personnel
10.2-16 Workshop on Regulation of Unlicensed Assisted Personal (UAP)
10.2-17 TERCAP User Conference Call
10.2-18 NCSBN Annual Meeting – August 5-8, 2009
10.2-19 Uniform Core Licensure Requirements – November 5-6
10.2-20 Committee Chari Call – January 9, 2009
10.3 ND Nurse Leadership Council – September 24
10.4 ND Organization of Nurse Executives – September 24
10.5 ND Nurses Association - October 17, 2008
10.6 ND Rural & Public Health Conference –Mandan, April 1-3, 2009
10.7 ND LTCA Conference, - September 16, 2008
10.8 ND Health Care Association Annual Meeting, September 24-25, 2008
10.9 ND Domestic and Sexual Violence State Prevention Team – July 28, September 8
10.10 Nurse Education Consortium (2379 – September 30, November 12
10.11 NCSBN Regulatory Excellence Grant Program
10.12 NDLC Higher Education Committee Minutes
10.13 ND Health Care Fraud Network – October 9
10.14 ND Human Services Committee – NDNEC, October 16
10.15 ND Legislative Audit and Fiscal Review Committee, October 20
10.16 Attorney General's Office – Justin's Law – Benson – November 6
10.13 PHEVR/MRC Advisory Committee – October 21, November 18.

Staff Presentations

- 11.1 Report of NDBON Annual Report, NDNA, October 17
- 11.2 Violations of NPA & WIP, Dakota Nursing Program, October 20, 2008
- 11.3 Delegating Effectively – St Alexius Prime Care – December 17
- 11.4 NPA Update – St Alexius Prime Care – January 20, 2009

The meeting recessed for lunch at 12:10 p.m. on November 20, 2008 and reconvened at 1:10 p.m.

The meeting recessed at 4:00 p.m. on November 20, 2008 and reconvened at 8:30 a.m. November 21, 2008.

The meeting adjourned at 10:40 a.m. on November 21, 2009.

Constance B. Kalanek, RN, PhD
Executive Director
Draft 12/4/2008